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March 6, 2015

BY ECF:

Hon. James L. Cott
500 Pearl Street, Room 1360
United States Courthouse
New York, NY 10007

Re: Moore et al v. Navillus et al

Dear Judge Cott:

I represent the Plaintiffs in the above referenced litigation and I write on behalf of all parties in response to the Order the Court entered regarding text messages on March 3, 2015 at Docket No. 69.

After a series of conferences between the parties, an agreement has been reached in which the Plaintiffs will continue to produce text messages in response to the requests from Defendants and Donal O'Sullivan will produce the requested text messages that are resident on his two telephones that he used during the relevant period.

Kevin O'Sullivan contends that his telephone malfunctioned in October, 2014 and was replaced by another telephone. The documents produced showing the texts sent or received by Mr. Kevin O'Sullivan show that Eoin Moriarty sent texts to him on the following dates from January 1 to August 30, 2014: Jan 17, 2014, February 13, 25 and 27; March 3, 4, 24, 28, April 5, 18, 19, 22, 23, 24, 27, May 10, 16, 26, 28, 29, June 3, 16, July 8, 24, August 15, 29 and 30. We requested that these texts be produced by Mr. Moriarty as the next best vehicle to ascertain the substance of these texts. These text messages will be produced or prior to March 13, 2015.

This agreement is without prejudice to the rights of any party to renew requests for relief on this issue after review of the texts provided.

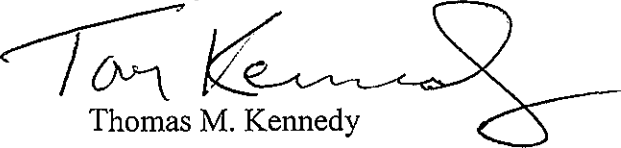
As a result of this agreement, Defendants will not be submitting a response as provided in your Order of March 3, 2015 and there is no need at this time for a status conference for March 9, 2015 in connection with this issue.

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Thank you for your attention to this matter.

Sincerely,


Thomas M. Kennedy

C: All Counsel